

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

LES/mm

ORDER RECEIVED FOR FILING
Date 10/6/92
By M. Hark

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

October 2, 1992

Gentlemen:

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

Lawrence E. Schmidt
Zoning Commissioner

LES: men
enc).

My Commission Expires: NOV 1, 1994

93-70-A

Typical gates and bounds: N. 87° 12' 13" E. 321.1 ft.,
S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft.,
and N. 08° 15' 22" W. 80 ft. to the place of beginning.

See back page

the, and that the property be reposted

REVIEWED BY: *Reg. T.* DATE: *8-24-92*
ESTIMATED POSTING DATE: *9-13-92*

ITEM #: 78

85

7.

receipt

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

September 21, 1992 (410) 887-3353

Mr. Charles W. Berg, Jr.
908 Homberg Avenue
Baltimore, MD 21221

RE: Item No. 78, Case No. 93-70-A
Petitioner: Charles W. Berg, et al
Petition for Administrative Variance

Dear Mr. Berg:
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
24th day of August, 1992

Received By:
W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles W. Berg, et al
Petitioner's Attorney:

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DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Arnold Jablon* Date *9/14/92*

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Stonegate at Patapsco (Aerial Property)

90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

✓ Golden Ring Mall Company Limited Partnership	60	9/8/92	NC
DED DEPRM RP STP TE			
John Dietsch	61		Comment
DED DEPRM RP STP TE			
Happy Hollow Associates	75		Comment
DED DEPRM STP RP TE			
Stephen M. and Diane A. Dansicker	76		NC
DED DEPRM RP STP TE			
Edward L. and Francine M. Wickman	77		NC
DED DEPRM RP STP TE			
Charles W. Berg And Willie D. Graves	78		NC
DED DEPRM RP STP TE			
Daniel W. and Evelyn J. Eckert	79		NC
DED DEPRM RP STP TE			
Leonard Stoler	80		Comment
DED DEPRM RP STP TE			
Edward and Ceola Wright	81		Comment
DED DEPRM RP STP TE			
Edward K. and Diana J. Hensler	82		Comment
DED DEPRM RP STP TE			
Marvin and Hild Zentner and Amir Aviram	83		Comment

COUNT 11

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 10, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
September 8, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Terry and Joan Greenwood, Item No. 58 ✓
John Dietsch, Item No. 61 ✓
Stephen and Diane Dansicker, Item No. 76 ✓
Edward and Francine Wickman, Item No. 77 ✓
Charles Berg and Willie Graves, Item No. 78 ✓
Edward and Ceola Wright, Item No. 81 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-5211.

Prepared by: _____

Division Chief: _____

EMcD/PM: rdn

ITEM58+/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date _____

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Stonegate at Patapsco (Aerial Property)

90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

✓ Golden Ring Mall Company Limited Partnership	60	9/8/92	N/C
DED DEPRM RP STP TE			
John Dietsch	61		N/C
DED DEPRM RP STP TE			
Happy Hollow Associates	75		N/C
DED DEPRM STP RP TE			
Stephen M. and Diane A. Dansicker	76		N/C
DED DEPRM RP STP TE			
Edward L. and Francine M. Wickman	77		N/C
DED DEPRM RP STP TE			
Charles W. Berg And Willie D. Graves	78		N/C
DED DEPRM RP STP TE			
Daniel W. and Evelyn J. Eckert	79		N/C
DED DEPRM RP STP TE			
Leonard Stoler	80		N/C
DED DEPRM RP STP TE			
Edward and Ceola Wright	81		N/C
DED DEPRM RP STP TE			
Edward K. and Diana J. Hensler	82		N/C
DED DEPRM RP STP TE			
Marvin and Hild Zentner and Amir Aviram	83		w/c

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

SEPTEMBER 9, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES W. BERG, JR. AND WILLIE D. GRAVES
Location: #908 HOMBERG AVENUE
Item No.: #78 (RT) Zoning Agenda: SEPTEMBER 8, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Jerry Griffin*
Planning Group
Special Inspection Division

JP/KEK

RECEIVED
SEP 10 1992
ZONING OFFICE

Development Review Committee Response Form
Authorized signature *Arnold Jablon* Date *9/14/92*

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Golden Ring Mall Company Limited Partnership

DED DEPRM RP STP TE 60 9/8/92 No Comment

John Dietsch 61 No Comment

DED DEPRM RP STP TE 61 No Comment

Happy Hollow Associates 75 No Comment

DED DEPRM STP RP TE 75 No Comment

Stephen M. and Diane A. Dansicker 76 No Comment

DED DEPRM RP STP TE 76 No Comment

Edward L. and Francine M. Wickman 77 No Comment

DED DEPRM RP STP TE 77 No Comment

Charles W. Berg And Willie D. Graves 78 No Comment

DED DEPRM RP STP TE 78 No Comment

Daniel W. and Evelyn J. Eckert 79 No Comment

DED DEPRM RP STP TE 79 No Comment

Leonard Stoler 80 No Comment

DED DEPRM RP STP TE 80 No Comment

Edward and Ceola Wright 81 No Comment

DED DEPRM RP STP TE 81 No Comment

Edward K. and Diana J. Hensler 82 No Comment

DED DEPRM RP STP TE 82 No Comment

Marvin and Hild Zentner and Amir Aviram 83 No Comment

DED DEPRM RP STP TE 83 No Comment

COUNT 11

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: October 21, 1992

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 78
Berg Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 908 Homberg Avenue. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Charles W. Berg and Willie D. Graves

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 of the Baltimore County Zoning Regulations to permit an accessory structure 20 feet high in lieu of the required 15 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

1. **Regulation:** "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
- Finding:** The proposed construction is located over 100 feet from the tidal waters of Back River. Therefore, no disturbance of the 100 foot buffer shall occur and the project is in compliance with this regulation.

2. **Regulation:** "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: Non-tidal and tidal wetlands are not present on or within the immediate vicinity of this site. Therefore, no dredging, filling, or construction is proposed in any non-tidal or tidal wetlands for this project and this regulation has been met.

3. **Regulation:** "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Policy:

All development must attempt to comply with the IDA requirements.

- A. For residential development through building permits, minor subdivisions and zoning variance findings, compliance will be through:

1. Installation of modified infiltration devices to treat rooftop runoff, with overflow directed across vegetated areas; and
2. The planting of woody vegetation selected from the appropriate plant association list of the Forest Establishment Manual in accordance with the Forest Cover Formula as given in the Forest Protection Policies, with a minimum area equal to at least 15% of the lot or a maximum area equal to the proposed impervious surface coverage.

Baltimore County Department of Environmental Protection and Resource Management Policy Manual.

Finding:

1. The first half inch of stormwater runoff associated with the proposed garage shall be directed to properly sized drywells with the excess directed onto pervious surfaces (e.g. the lawn) in order to maximize stormwater infiltration.

2. The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 2 items - ball and burlap or 2 gallon container size

Tree list: 1 item - ball and burlap 1 - 1.5 inch caliper

The installation of drywells and the planting of woody vegetation will meet the intent of this regulation and bring this development into compliance with this regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal will comply with Chesapeake Bay Critical Area Regulations if it is conditioned to meet the requirement in Regulation 3 of these findings. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:SA:ju

Attachment

BERG/TXTN55

111 West Chesapeake Avenue
Towson, MD 21204

September 2, 1992

(410) 887-3353

Charles M. Berg, Jr. and Willie D. Graves
908 Humberg Avenue
Baltimore, Maryland 21221

Re: CASE NUMBER: 93-70-A
LOCATION: 908 Humberg Avenue, 320' E of c/l South Marlyn Avenue
908 Humberg Avenue
15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. For contact with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 13, 1992. The closing date is September 28, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

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Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

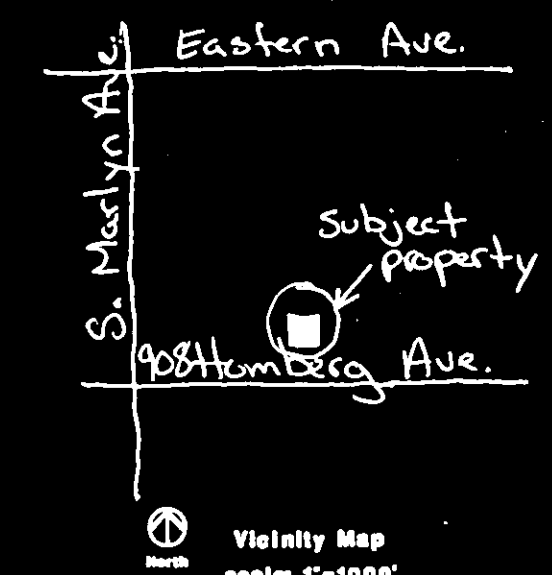
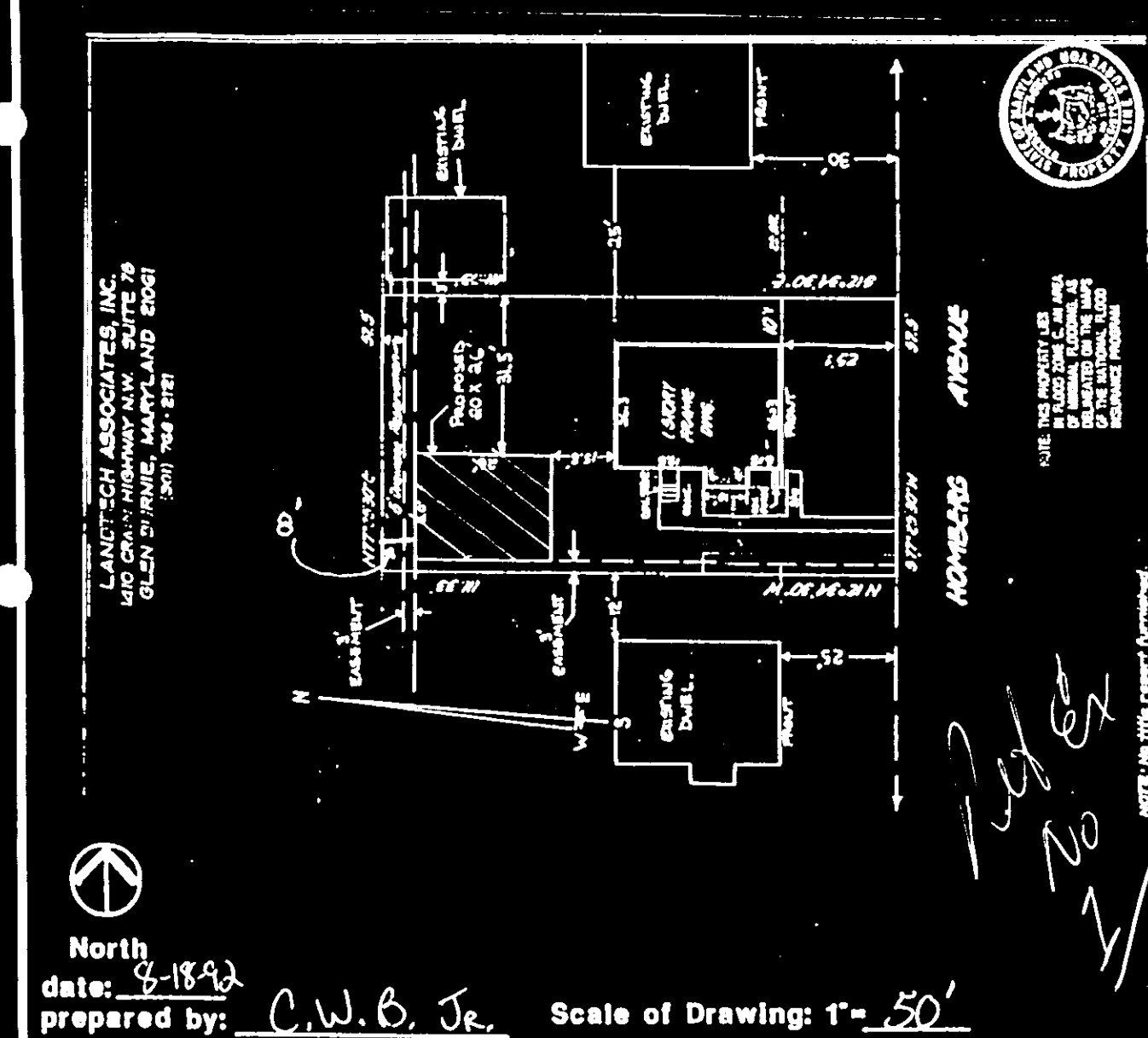
PROPERTY ADDRESS: 908 Humberg Ave.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Marlshire
Plat book: 217, 117, 107, 5, sections

OWNER: _____

93-70-A



LOCATION INFORMATION

Councilmanic District: 5
Election District: 15
1"=200' scale map: NE 1/4
Zoning: D.R. 5.5
Lot size: 0.15 6401.48
Acres: square feet

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearing: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____
Reg. 1781



I-SW I-SE
E-NW E-NE

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1986
SHEET 144-05, 145-05, 146-05, 147-05, 148-05, 149-05, 150-05
[Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-NORM, INC. BALTIMORE, MD. 21210

SCALE 1" = 200'	LOCATION ESSEX	SHEET N.E. 1-H
DATE OF PHOTOGRAPHY JANUARY 1986		